

Appl. No. : 10/763,569
Filed : January 23, 2004

REMARKS

This is responsive to the Examiner's Office Action dated October 11, 2006. By way of summary, the Office Action issued a restriction requirement among two inventions. Claims 1-14 were pending in this application.

RESTRICTION REQUIREMENT/ELECTION

In the Office Action, the Examiner issued a restriction requirement and asserted that the claims were drawn to the following inventions:

- I. Claims 1-10, drawn to method of minimizing blood reflux or pain during eye surgery, classified in class 128, subclass 899.
- II. Claims 11-14, drawn to method of enhancing absorption of medicine, classified in class 128, subclass 898.

The Examiner also asserted that the claims were directed to three patentably distinct species:

- A. Vasoconstrictor
- B. Vasoconstrictor and tetracaine
- C. Vasoconstrictor and brimodine

While the Applicants respectfully disagree with the grounds for the restriction requirement and the characterization of the claims in the Office Action, the Applicants hereby elect without traverse to proceed with the examination on the merits of the claims corresponding to Group I, namely Claims 1-10, and have canceled Claims 11-14. Applicants also provisionally elect without traverse Species A for examination on the merits should no generic claim be found allowable. The Applicants respectfully submit that Claims 1-5 and 8-10 of the Group I claims are generic to the three identified species and, hence, read on the elected Species A. The elections and amendment are made without prejudice or disclaimer of the non-elected, canceled claims.

Applicants have made a good faith effort to respond to the outstanding Office Action. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is cordially invited to contact Applicants' attorney, at the telephone number below, to


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resolve any such issues promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/5/07

By: 
Walter S. Wu
Registration No. 50,816
Attorney of Record
Customer No. 20,995
(949) 760-0404

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